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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/764,172	01/16/2001	Charles W. Schibi		7020

7590 10/22/2002
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EXAMINER

LAGMAN, FREDERICK LYNDON

ART UNIT	PAPER NUMBER
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3673

DATE MAILED: 10/22/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/764,172

Applicant(s)

SCHIBI, CHARLES W.

Examiner

Frederick L. Lagman

Art Unit

3673

--Th MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 9/19/02 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet.

3. ☒ Applicant's reply has overcome the following rejection(s): 35 U.S.C. 112(2).
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 25.

Claim(s) objected to: _____

Claim(s) rejected: 1-13, 15-24 and 26-28.

Claim(s) withdrawn from consideration: _____

8. ☒ The proposed drawing correction filed on 04 June 2002 is a) ☒ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
10. ☐ Other: _____

Frederick L. Lagman
Examiner
Art Unit: 3673

Continuation of 2. NOTE: As to claims 1, 17, and 28, the recitation of "joints extending transverse to the length of the canal" or "extending across the width of the canal" would raise new matter issues and potential 35 U.S.C. 112(1st) rejections because the joints appear to extend along the length of the canal. As to the amendment to claim 14, claim 14 was cancelled in the amendment filed 6/4/02. As to claim 20, the recitation of the "sides having a width wider than the canal" would raise new matter issues and potential 35 U.S.C. 112(1st) rejections because it appears that the connection of first and second sections would result in a width wider than the canal, but an individual section would not have a width wider than the canal.

Continuation of 5. does NOT place the application in condition for allowance because: Japanese '718 in view of Japanese '499 discloses liners; wherein a liner may be connected to another liner via fasteners extending through a tab as shown in figure 3 of Japanese '499. Such connection would allow fasteners that extend through the tab and into a base such as a wall; wherein the fastener would not puncture the membrane. As shown in figure 3, the fastener extends through the tabs and the head of the fastener lies between the tabs and the membrane.